

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**Docket Number (Optional)**  
**14303.0115**

**First Named Inventor:** Song Chen

**Art Unit: 2126**

**Application Number:** 09/828,381-Conf. #1798

**Examiner: S. X. Lao**

**Filed: April 5, 2001**

**Title: VIRTUAL MACHINE INTERFACE FOR HARDWARE RECONFIGURABLE AND SOFTWARE PROGRAMMABLE PROCESSORS**

MS Petition

### Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTE:** If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

**NOTE: A grantable petition requires the following items:**

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

### 1. Petition fee

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

<input checked="" type="checkbox"/>	Other than small entity – fee \$	500.00	(37 CFR 1.17(l)).
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## 2. Reply and/or fee

**A. The reply and/or fee to the above-noted Office action in the form of**

**Amend. in Response to Non-Final Office Action** (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ **X** is enclosed herewith.

**B. The issue fee of \$**

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

Adjustment date: 12/06/2006 CKHLOK  
08/30/2006 INTEFSW 00000212 09828381  
01 FC:1452 -500.00 DP

Refund Ref: 0030036323  
12/06/2006

Credit Card Refund Total:	\$500.00
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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Laura C. Brutman  
Signature

August 29, 2006  
Date

Laura C. Brutman  
Typed or printed name

38,395  
Registration Number, if applicable

DICKSTEIN SHAPIRO LLP  
1177 Avenue of the Americas  
41st Floor  
New York, New York 10036-2714  
Address

(212) 277-6592  
Telephone Number

Enclosure ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐ \_\_\_\_\_

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Laura C. Brutman  
Signature

August 29, 2006  
Date

Brutman, Laura C.  
Typed or printed name

38,395  
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The Office Action dated January 23, 2006, was returned to the USPTO, as indicated by the February 2, 2006 USPTO stamp on the "Miscellaneous Incoming Letter" (i.e., the returned January 23, 2006 Office Action) found in the file wrapper. The USPTO did not remail the returned Office Action, and therefore Applicant never received the Office Action prior to the end of the period for response.

In early 2006 the Applicant was being represented by Darby & Darby, and in April 2006 transferred representation to Dickstein Shapiro, as indicated by the Change of Power of Attorney filed on May 1, 2006. Applicant notes that MPEP § 711.03(c) requires submission of a copy of the docket record where the nonreceived Office Action would have been entered had it been received and docketed. However, as Darby & Darby is a competitor of Dickstein Shapiro, it is unlikely Darby would be willing to provide a docket record, which includes Darby's client's confidential application information. Applicant has confirmed with Darby's docketing manager, Gabriella Karaszi, that the January 23, 2006 Office Action is not in Darby's docketing system, indicating that Darby never received the Office Action.

The granting of this Petition is therefore respectfully solicited.

In compliance with the USPTO rules, Applicant encloses a Petition fee of \$500. Since the USPTO should have known that Applicant would not receive the Office Action after it was returned and not remailed, Applicant respectfully requests a refund of this Petition fee.

*(Please attach additional sheets if additional space is needed)*

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1176787
<b>Application Number:</b>	09828381
<b>Confirmation Number:</b>	1798
<b>Title of Invention:</b>	Virtual machine interface for hardware reconfigurable and software programmable processors
<b>First Named Inventor:</b>	Song Chen
<b>Customer Number:</b>	38881
<b>Filer:</b>	Laura C. Brutman/BETSY ROSADO
<b>Filer Authorized By:</b>	Laura C. Brutman
<b>Attorney Docket Number:</b>	9824-062-228
<b>Receipt Date:</b>	29-AUG-2006
<b>Filing Date:</b>	05-APR-2001
<b>Time Stamp:</b>	16:21:30
<b>Application Type:</b>	Utility
<b>International Application Number:</b>	

### Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$500
RAM confirmation Number	212
Deposit Account	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
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1		I4303_0115.pdf	704062	yes	28
	<b>Multipart Description</b>				
	<b>Doc Desc</b>	<b>Start</b>	<b>End</b>		
	Petition for review by the Office of Petitions.	1	3		
	Transmittal letter	4	4		
	Amendment - After Non-Final Rejection	5	5		
	Claims	6	26		
	Applicant Arguments/Remarks Made in an Amendment	27	28		
<b>Warnings:</b>					
<b>Information:</b>					
2	Fee Worksheet (PTO-875)	fee-info.pdf	8180	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			712242		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>					

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: 12/05/06		2 Serial/Patent # 09/828,381									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
X	Petition 1452		08/29/06	\$ 500.00							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
<input type="checkbox"/>	Maintenance			\$							
<input type="checkbox"/>	Assignment			\$							
<input type="checkbox"/>	Other			\$							
			7 TOTAL AMOUNT OF REFUND		\$ 500.00						
			8 TO BE REFUNDED BY:								
10 REASON:		X	<del>Treasury Check</del> CREDIT CARD								
<input type="checkbox"/>	Overpayment		Credit Deposit A/C #:								
<input type="checkbox"/>	Duplicate Payment		9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>								
X	No Fee Due (Explanation):										
Holding of abandonment is withdrawn.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: Douglas I. Wood		TITLE: Senior Petitions Attorney									
SIGNATURE: /douglas wood/		PHONE: 571-272-3231									
OFFICE: Office of Petitions											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <i>CKHlok</i>		DATE: 12/6/06									

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

**Office of Finance  
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Crystal Park One, Room 802B**